

United States District Court

for the

Eastern District of Pennsylvania

REC'D-PROB

2009 NOV 10 PM 3:33

USDC-PHILA

U.S.A. vs. John Florio

Case No. 2:06CR00245-01

Petition on Supervised Release

COMES NOW Bruce E. Green U. S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of John Florio who was placed on Supervised Release by the Honorable Berle M. Schiller sitting in the Court at Philadelphia, PA , on the 18th day of October , 2006 who fixed the period of supervision at three years , and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

ORIGINAL OFFENSE:

Possession of cocaine with the intent to distribute (Count One), possession of cocaine base with the intent to distribute (Count Three), and possession of heroin with intent to distribute (Count Three).

ORIGINAL SENTENCE:

Custody the U.S. Bureau of Prisons for a term of one year and one day, followed by three years' supervised release and a \$300.00 special assessment.

SPECIAL CONDITIONS:

FILED

NOV 12 2009

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

1) The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office; 2) The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U. S. Probation Office; 3) The defendant shall cooperate in the collection of DNA as directed by the probation officer; and, 4) The defendant shall pay a fine in the amount of \$2,500.00 in monthly installments of \$100.00.

VIOLATION HEARING:

On August 30, 2007, Mr. Florio's supervised release was revoked and he was sentenced to six months imprisonment, to be followed by a term of supervised release of two years.

Special conditions were modified to include no contact with James McNulty. All other terms and conditions of supervision previously imposed were ordered to remain the same.

TOLLED SENTENCE:

Pursuant to 18 U.S.C. § 3624 (e), Mr. Florio's case was tolled from January 15, 2009 through September 25, 2009.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

As the Court is aware, on December 18, 2008, Philadelphia Police arrested Mr. Florio and charged him with possession of a controlled substance with intent to distribute and possession of a controlled substance. On December 22, 2008, Your Honor issued a bench warrant for Mr. Florio's arrest based on the new criminal charges. Mr. Florio was arrested on the bench warrant that same date.

On December 22, 2008, Mr. Florio appeared at an Initial Appearance Hearing before U.S. Magistrate Judge Linda K. Caracappa. Mr. Florio was released from custody and as a condition of bail Mr. Florio was placed on home confinement with electronic monitoring until he appears at a violation of supervised release hearing before.

On January 15, 2009, the Delaware County Adult Probation Office arrested Mr. Florio on a bench warrant based on the new drug charges in Philadelphia.

On September 9, 2009, at a hearing before Judge Michael Erdos in the Court of Common Pleas of Philadelphia County, Mr. Florio's new criminal charges were Nolle Prosequi.

On October 22, 2009, Assistant United States Attorney Judy Smith spoke with the Philadelphia Assistant District Attorney that prosecuted the dismissed drug charges. AUSA Smith advised the probation office that after discussing the facts and circumstances of the case and its prosecution with the Philadelphia ADA, she concluded that she would not be able to proceed with the dismissed drug charges at a violation of supervised release hearing.

In light of the above, the following prayer is offered for the Court's consideration.

PRAYING THAT THE COURT WILL ORDER...

**THAT THE VIOLATION OF
SUPERVISED RELEASE
PETITION DATED DECEMBER
22, 2008, BE DISMISSED.**

I declare under penalty of perjury that the
foregoing is true and correct.


Marvin E. Green
Supervising U.S. Probation Officer

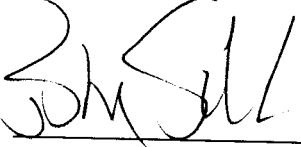
Place Philadelphia, PA
Date November 6, 2009

BEG

cc: Assistant U.S. Attorney
Defense Attorney
Defendant

ORDER OF THE COURT

Considered and ordered this 10
day of NOV, 2009 and ordered
filed and made part of the records in the above case.



U. S. District Court Judge